

In order for a reference to be available for a Section 103(a) obviousness rejection, it must qualify as prior art under 35 U.S.C. § 102. For the following reasons, Applicant respectfully submits that Fujii et al. does not qualify as prior art under Section 102, and therefore may not be the basis of a Section 103(a) obviousness rejection.

The present application claims a priority benefit based on Japanese Patent Application No. 11-045672, filed February 24, 1999. Fujii et al., on the other hand, has a publication date of November 3, 1999. Because Fujii et al. has a publication date later than the earliest priority date (February 24, 1999) to which the present application claims priority, Fujii et al. cannot qualify as prior art under 35 U.S.C. § 102(a) or (b).¹

Nor does Fujii et al. qualify as prior art under 35 U.S.C. § 102(e), because Fujii et al. is not a U.S. Patent or a U.S. patent application, as required in that sub-section.

Finally, the remaining subsections of Section 102 are believed inapplicable to the Fujii et al. reference, and do not make it prior art.

Accordingly, since Fujii et al. does not qualify as prior art under Section 102, Applicant respectfully requests the Examiner to remove the Section 103(a) rejection which is based on Fujii et al.

Applicant notes that all of the pending claims are supported throughout Japanese Patent Application No. 11-045672. See, for example, paragraph 0145 and tables 1-5 showing sequences of applying a voltage (Claim 1),² paragraph 0049 (Claim 2), and

^{1/} A sworn translation of Fujii et al. is in preparation, and will be forwarded to the Patent and Trademark Office in the near future.

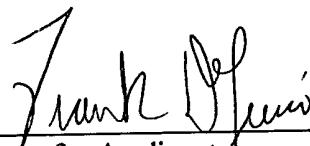
^{2/} At least some electron-emitting devices referred to in Japanese Patent Application (continued...)

claims 2-7 of the Japanese Patent Application (with respect to Claims 3-8 of the present application).

In view of the foregoing remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Attorney for Applicant

Registration No. 42496

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

^{2/}(...continued)
No. 11-45672, provide support for the pre-elements recited in Claim 1.

VERSION WITH MARKINGS TO SHOW CHANGES MADE TO CLAIMS

1. (Amended) A method for producing an electron source composed of plural electron emission devices connected in a matrix by plural row wirings and plural column wirings, the method comprising a deposition step of applying a voltage through said row wirings to plural pre-elements provided with a structure of electron emitting portions of the electron emission devices, thereby depositing on said pre-elements a deposit, the deposition step including a[, after the formation of pre-elements to constitute electron emitting portions of the electron emission devices, a deposition] step of dividing said plural pre-elements into plural groups connected respectively to different row wirings, dividing each group into plural sub groups connected respectively to different row wirings, and, taking at least one pre-element in each sub group as a unit, [and executing a step of voltage application for said] applying a voltage per each unit in succession [on] to the pre-elements in [each] one sub group [and simultaneously on the different groups, thereby forming a deposit in a gap portion of each pre-element], wherein the sub group includes the plural pre-elements connected to the plurality of row wirings, the step of applying the voltage per each unit in succession is executed in a manner such that, after the voltage is applied to a predetermined unit of pre-elements, the voltage is then applied to the pre-elements connected to certain row wirings sandwiching, between the certain row wirings and the row

wirings connected to the predetermined unit, at least one other row wiring connected to at least one other pre-element of another sub-group.

2. (Amended) A method for producing an electron source according to claim 1, wherein [the] an atmosphere gas in said deposition step contains an organic substance and said deposit contains at least carbon.

3. (Amended) A method for producing an electron source according to claim 1, wherein [the] units [subjected to simultaneous voltage application in said same] of a same sub group consist[s] of pre-elements connected to a same row wiring [or a same column wiring].

4. (Amended) A method for producing an electron source according to claim 3, wherein the wirings of [the] units [subjected to simultaneous voltage application and] contained in the mutually different groups are positioned in a dispersed manner with a predetermined pitch.

6. (Amended) A method for producing an electron source according to claim 5, wherein, in said groups, the wirings of [the] at least one unit of each sub group are

positioned with a pitch corresponding to [the] a number of wirings of the unit contained in the sub group.

7. (Amended) A method for producing an electron source according to claim 5, wherein, in said groups, the wirings of an x-th unit in each sub group are positioned in succession for all [the] sub groups for each group.

11. (Amended) An electron source according to claim 9, wherein said electron emission device is a surface conduction electron emission device.

12. (Amended) An image forming apparatus comprising an electron source according to any of claims 9 to 11, and an image forming member for forming an image by [the] irradiation with the electron beam from said electron source.

13. (Amended) A method for producing an image forming apparatus which comprises producing an electron source by the method according to claim 1 and combining thereto an image forming member for forming an image by [the] irradiation with the electron beam from said electron source.